

REMARKS

An Office Action was mailed on November 19, 2003. Claims 1-9, 12, 14-18 and 21 are pending in the present application.

Claim 5 is indicated as being allowable if rewritten in independent form. Responsive thereto, and to expedite allowance of such claim, Applicant has rewritten pending claim 5 as new claim 22.

Claims 1-4 and 6-9 are rejected under 35 U.S.C. §102(b) as being anticipated by Bideker (U.S. Patent 904,673). Responsive thereto, Applicant has amended the claims to clarify the present invention from the Bideker disclosure by providing that the tightening of the cylindrical housing results in an *operative condition* defined as a leak-proof yet relatively rotatable relationship between the first and second members. In other words, the swivel joint is rotatable and at the same time provides a water-tight seal when the housing is tightened.

The present inventors have analyzed the Bideker reference and respectfully submit that while the connection shown may be rotatable, it is only rotatable whilst the locking ring is loosened, i.e., when it is not in use and when it is not leak proof. In use, the system shown would be adjusted to the desired angle and then tightened to fix the orientation of the nozzle. Looking to FIGS. 1 and 2 of Bideker, the shoulder (c) is in direct contact with collar (C). The direct contact between the shoulder and the collar would not allow any rotational movement of the nozzle once the locking ring D has been tightened. In many senses this is a very logical deduction because of the use to which the prior art nozzle is put. The prior art nozzle is for a high-pressure fire hose, one which requires the strength of at least one man to hold. Having a readily rotatable nozzle like a shower attachment used with the swivel joint of the present invention would result in extreme difficulties in controlling the direction in which the high-pressure water is directed.

The structural and functional distinctions between the Bideker nozzle and the swivel joint of the present invention are also evident in the type of taper connecting the mating surfaces of the first and second members. In the Bideker reference the tapered surfaces are relatively steep, which would give little or no mechanical advantage in resisting rotational movement. Rotational movement of the Bideker nozzle would be resisted only by the union bearing upon the tip at the shoulder as discussed above. However, with the present invention a shallow tapered angle

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between the first and second members enables formation of a watertight seal and still be able to have the necessary mechanical advantage provided by the joint with only finger tightening and no further locking being required. This contrasts to the union of the Bideker reference where the absence of the lock nut would preclude the effective operation of the nozzle. The Bideker lock nut has the effect of preventing the union being loosened and the watertight seal failing.

Also, because of the steep taper only a very slight loosening of the joint of the Bideker nozzle would cause the two mating surfaces to separate such that with or without the packing ring the nozzle would leak. From an engineering viewpoint, the function of the packing ring in the Bideker nozzle is that of a static seal, a seal which is effective when the joint is locked up. In the present application, the resiliently deformable sealing member functions as a dynamic seal, providing effective watertight sealing whilst the shower assembly is rotated.

Accordingly, Applicant respectfully submits that the claims as amended are not taught or reasonably suggested by the Bideker reference. The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ...claim." (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). "The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required." (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

In this case, Bideker fails to teach or reasonably suggest the claimed invention as required by the MPEP. Specifically, Bideker fails to teach a joint wherein an operative condition is defined by a second member accommodating a first member in a leak-proof yet relatively rotatable relationship, and wherein the first and second members are held together by a cylindrically shaped housing that is rotatably engaged with one member and receives the milled barrel of the other member within said housing and is adjustably engaged with the other member whereby adjustment of the housing enables the tightening of the swivel joint to said operative condition, as claimed. As noted above, Applicant respectfully submits that the operative

condition of Bideker requires the tightening of the collar (C) to a leak-proof and relatively non-rotatable condition between the first member (B) and second member (A), which operative condition must exist if the nozzle is to be used in a high-pressure environment as described in Bideker.

Accordingly, it is respectfully requested that the Examiner withdraw the §102(b) rejection in view of Bideker.

Claims 14-18 and 21 are further rejected under 35 U.S.C. §102(b) as being anticipated by Sands (U.S. Patent 4,927,188). Responsive thereto, Applicant has amended claims 14-18 and 21 in a manner similar to claims 1-9 and 12 to define an operative condition that is realized by the tightening of the cylindrical housing. In addition, Applicant has provided for a thrust washer disposed between said cylindrically shaped housing and one of the elements, as shown for example as reference number (42) in Applicant's FIG. 9. As discussed on page 9, lines 16-20 of Applicant's specification, thrust washers (42, 45) are included to prevent abrasive action respectively between the barrel lip (43) and the inner wall (44) of the collar and between the barrel lip (43) and the seat of the barrel (41). Applicant respectfully submits that Applicant's swivel joint structure of claims 14-18 and 21, including the required thrust washer element, is neither taught nor reasonably suggested by the Sands '188 reference. This is evident by FIG. 4 of Sands and the junction between collar (66) and flange (68). Applicant further respectfully submits that the nature of the fitting for connecting the drum and the pipeline in Sands would not benefit from the claimed thrust washer because the Sands connection is not intended to function like the swivel joint of the present invention, wherein the cylindrically shaped housing is rotatably engaged with one element and receives the milled barrel of the outer element within said housing and is adjustably engaged with the other element whereby adjustment of the housing enables the tightening of the swivel joint to said operative condition.

Accordingly, it is respectfully requested that the Examiner withdraw the §102(b) rejection in view of Sands.

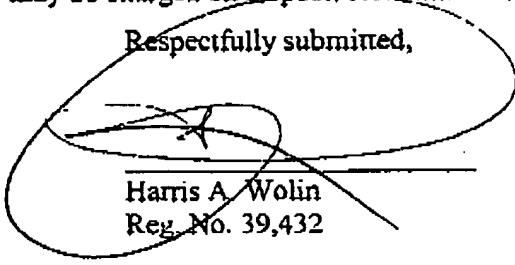
For the foregoing reasons, reconsideration is respectfully requested.

An earnest effort has been made to be fully responsive to the Examiner's objections and rejection. In view of the above amendments and remarks, it is believed that claims 1-9, 12, 14-18 and 21-23 (new claim 23 being supported at page 5, lines 14-18; page 8, lines 15-16; page 8,

last paragraph; page 9, first paragraph). Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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